

REMARKS

Reexamination and reconsideration of the claims 1-11, 13-18, 20-24, 28-31, 33-35, 37, and 39-42 is respectfully requested. Applicants appreciate and acknowledge the recognition of allowable subject matter in dependent claims 12, 19, 25-27, 32, 36, and 39-42. Additionally, Applicants acknowledge and appreciate the Examiner's consideration of the Information Disclosure Statement.

Fig. 4 of the drawings was objected to under 37 C.F.R. 1.84(p)(4) because reference character "40" has been used to designate two different parts. Proposed corrections for Fig. 4 are included herewith. Withdrawal of the objection is respectfully requested.

Figs. 4 and 9 of the drawings were objected to under 37 C.F.R. 1.84(p)(5) for not including the following reference characters: 15, 19a, 43, 45, and 130. Proposed corrections for Fig. 4 are included herewith along with an amendment to the specification. Withdrawal of the objection is respectfully requested.

Claims 1, 10, 13-15, 23, 28, 29, and 39 were rejected under 35 U.S.C. sec. 103(a) applying U.S. Pat. No. 4,763,983 (the '983 patent) in view of U.S. Pat. No. 5,875,526 (the '526 patent). For patents to be applicable under sec. 103(a), the combination of teachings must, *inter alia*, expressly or inherently, teach, disclose, or otherwise suggest each and every feature of the claimed invention. Additionally, motivation and suggestion to combine the teachings must be present.

It is respectfully submitted that a *prima facie* case of obviousness is lacking with respect to the purported modification. As stated in sec. 706.02 (j) of the MPEP, a *prima facie* case of obviousness requires:

- (1) there must be some suggestion or motivation to modify the references;

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10/807,530

C0037

Page 9

- (2) there must be a reasonable expectation of success; and
- (3) the references when combined must teach or suggest all the claimed limitations.

The Office Action modifies the '983 patent with the '526 patent stating that "...Yamaguchi [the '526 patent] teaches that the cushion function is 'integrally provided by the female member of the hook-and-loop fastener.'" See the Office Action at p. 3. A *prima facie* case of obviousness is lacking because the skilled artisan would not have been motivated, nor taken the suggestion, to make the purported modification as suggested in the Office Action. The '526 patent states the following at Col. 1, ll. 5-15:

The present invention [the '526 patent] relates to a female member of a Hook-and-Loop fastener made of double knit goods suitable for an outer side material of a seat designed to meet the requirement of superior decoration, and both fastening function and cushion function are integrally provided in this female member of the Hook-and-Loop fastener. More particularly, the present invention relates to a female member of a Hook-and-Loop fastener made of double knit goods suitable for recycling resources by making the female member of the Hook-and-Loop fastener made of a single material.

Simply stated, the '526 patent is related to hook-and-loop fasteners, and not fiber optic assemblies or fiber optic cables. It is beyond refute that the '526 patent is directed to the outer side material of a seat such as used for a vehicle or an aircraft that can improve recycling. See the specification of the '526 patent.

In the case of the '526 patent, the integral cushioning refers to cushioning the occupant of the seat. In light of the teaching of the '526 patent, the skilled artisan would not have been motivated, nor taken a suggestion, to make the purported modification to arrive at the invention recited in the

10/807,530  
C0037  
Page 10

independent claims. Furthermore, the Office Action has not cited any credible evidence of record that demonstrates that the skilled artisan would have made the purported modification.

As an independent basis, no objective evidence of record points to any reasonable expectation of success that the outer side material of the seat of the '526 patent is suitable for use in an optical fiber tube assembly having optical waveguides therein. For at least the reasons stated, withdrawal of the sec. 103(a) rejection of claims 1, 10, 13-15, 23, 28, 29, and 39 is warranted and respectfully requested.

Claims 3, 5, 7, 8, 9, 11, 16, 17, 20, 21, 22, 30, 33, 34, 37, 40, 41, and 42 were rejected under 35 U.S.C. sec. 103(a) applying the '983 and '526 patents without a further teaching reference. For at least the reasons stated above with respect to independent claims 1, 15, and 29, a prima facie case of obviousness is lacking with respect to claims 3, 5, 7, 8, 9, 11, 16, 17, 20, 21, 22, 30, 33, 34, 37, 40, 41, and 42. Thus, the withdrawal of the sec. 103(a) rejection of claims 3, 5, 7, 8, 9, 11, 16, 17, 20, 21, 22, 30, 33, 34, 37, 40, 41, and 42 is warranted and respectfully requested.

Claims 2, 4, and 6 were rejected under 35 U.S.C. sec. 103(a) applying the '983 and '526 patents in further view of U.S. Pat. No. 5,621,841 (the '841 patent). For at least the reasons stated above with respect to claim 1, a prima facie case of obviousness is lacking with respect to claims 2, 4, and 6. Thus, the withdrawal of the sec. 103(a) rejection of claims 2, 4, and 6 is warranted and respectfully requested.

Claims 18, 24, 31, and 35 were rejected under 35 U.S.C. sec. 103(a) applying the '983 and '526 patents in further view of U.S. Pat. No. 4,815,813 (the '813 patent). For at least the reasons stated above with respect to claims 15 and 29, a prima facie case of obviousness is lacking with respect to claims 18, 24, 31, and 35. Thus, the withdrawal of the sec. 103(a) rejection of claims

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10/807,530  
C0037  
Page 11

18, 24, 31, and 35 is warranted and respectfully requested.

No fees are believed due in connection with this Reply. If any fees are due in connection with this Reply, please charge any fees, or credit any overpayment, to Deposit Account Number 19-2167.

Allowance of all pending claims is believed to be warranted and is respectfully requested.

The Examiner is welcomed to telephone the undersigned to discuss the merits of this patent application.

Respectfully submitted,

  
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10/807,530  
C0037  
Page 12